

# EXHIBIT 1

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,	.	
	.	
Plaintiff,	.	
	.	
v.	.	Docket No. CA 11-1303
	.	
UNITED STATES OF AMERICA, et	.	Washington, D.C.
al.,	.	January 18, 2012
	.	1:45 p.m.
Defendants.	.	
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.....	.	

AFTERNOON SESSION - DAY 2  
TRANSCRIPT OF MOTION HEARING PROCEEDINGS  
BEFORE THE HONORABLE THOMAS B. GRIFFITH,  
UNITED STATES CIRCUIT JUDGE, and  
HONORABLES ROSEMARY M. COLLYER and BERYL A. HOWELL,  
UNITED STATES DISTRICT JUDGES

APPEARANCES:

For the Plaintiff:	MATHEW H. FREDRICK, Special Counsel STACEY NAPIER, Senior Counsel to the Attorney General J. REED CLAY, Senior Counsel to the Attorney General ANGELA V. COLMENERO, Assistant Attorney General Office of the Attorney General of Texas P.O. Box 12548 Austin, TX 78711-2548
	ADAM K. MORTARA, Esq. ASHLEY C. KELLER, Esq. JOHN M. HUGES, Esq. Bartlit, Beck, Herman, Palenchar & Scott, LLP Courthouse Place 54 West Hubbard Street Chicago, IL 60610

04:37PM **I** politics, yes, sir.

04:37PM **2 Q.** Okay. Judge Saucedo, I also want to clear something up  
04:37PM **3** with the Court. Mr. Downton, who had testified earlier, said  
04:37PM **4** something, not quoting him exactly, but that it was easy to  
04:37PM **5** split Maverick County under their C185 because the population of  
04:37PM **6** Maverick County was only 1,000. Of course, we later found out  
04:37PM **7** that was an error, and then he picked up about 16,000, and then  
04:37PM **8** I think Ms. Morales (sic) -- I'm sorry, Ms. Perales had told the  
04:37PM **9** Court it was about 27,000.

04:37PM **10** It's been cleared up now that we know, and you're the  
04:37PM **11** county judge, is the population of Maverick County over 54,000?

04:37PM **12 A.** Yes, sir, it is. It's over 54,000.

04:37PM **13 Q.** Okay. What is the new -- are you -- the average citizen  
04:37PM **14** of voting age population of Maverick County is approximately how  
04:37PM **15** many?

04:37PM **16 A.** How many people are registered to vote? Is that what  
04:38PM **17** you're asking me?

04:38PM **18 Q.** Yes.

04:38PM **19 A.** I'm sorry. About 26,000 people.

04:38PM **20 Q.** Okay. The history of Maverick County, ever since you've  
04:38PM **21** known all your life, has it ever been divided into two  
04:38PM **22** Congressional districts?

04:38PM **23 A.** No.

04:38PM **24 Q.** Has it always been one Congressional district  
04:38PM **25** representing the citizens of Maverick County?

04:38PM **I A. Yes, sir.**

04:38PM **2** MR. VERA: Okay. Can I see C185. I have to push a

04:38PM **3** button, okay. Can you bring down more, just Maverick County.

04:38PM **4** There you go.

04:38PM **5** BY MR. VERA:

04:38PM **6 Q.** Look at the screen in front of you. Do you see Maverick

04:38PM **7** County there under -- is that C185? Do you see Maverick County?

04:38PM **8 A. Yes, I do.**

04:38PM **9 Q.** It's the -- do you see the gray that says 28 and, of

04:39PM **10** course, the 23 under C185? What has C185 done to Maverick

04:39PM **11** County?

04:39PM **12 A. C185 has literally split Maverick County right down the**

04:39PM **13 middle. If you look at that road, it's Highway 277, that is**

04:39PM **14 actually a Main Street and Eagle Pass also. Eagle Pass is the**

04:39PM **15 county seat of Maverick County.**

04:39PM **16 Q.** I mean, it splits it even straight down the middle of

04:39PM **17** Eagle Pass, doesn't it?

04:39PM **18 A. Yes, sir, straight down the center.**

04:39PM **19 Q.** Okay. Now, economically in the State of Texas and the

04:39PM **20** United States, how is Maverick County doing? What is Maverick

04:39PM **21** County's economic condition?

04:39PM **22 A. Unfortunately, it's one of the poorest counties in the**

04:39PM **23** United States.

04:39PM **24 Q.** As county judge, what is your daily struggle?

04:39PM **25 A. I think economic opportunities for our citizens is**

04:43PM I had to come back and sat down. You could be sitting in a room  
04:43PM 2 with community leaders, other elected officials that you may not  
04:43PM 3 necessarily get along with. You may not really like that  
04:43PM 4 individual next to you and, you know, they may have run against  
04:43PM 5 you in some prior campaign, but one thing that we learned was  
04:43PM 6 that we always needed to vote it as a bloc. And we've needed to  
04:43PM 7 do this and we've done it in the last 12 years where we've come  
04:43PM 8 out and done this because that's the only way we can get  
04:43PM 9 anything done in Maverick County.

04:43PM 10 By splitting it in half you're going to dilute any  
04:43PM 11 strength that we would have had or any voice that we would have  
04:43PM 12 had at state level or at a federal level.

04:43PM 13 Q. Now, CD23 has always been a swing district; is that  
04:44PM 14 correct? Is that how it's defined, the entire Congressional  
04:44PM 15 district?

04:44PM 16 A. It's considered a swing district.

04:44PM 17 Q. Right. It could be republican, swing to democrat and  
04:44PM 18 swing back to republican. And that's been the history of  
04:44PM 19 Congressional district 23 for some time?

04:44PM 20 A. Yes.

04:44PM 21 Q. Okay. Now, they've taken half of the Maverick County  
04:44PM 22 under this plan and thrown it into Congressional District 28,  
04:44PM 23 which is Congressman Henry Cuellar. What do you know about  
04:44PM 24 Congressional District 28 as far as the makeup of Latinos in  
04:44PM 25 that district?

04:44PM **1 A.** It's heavily Latino already to begin with. The -- I

04:44PM **2** guess you could call the anchor community of that district would

04:44PM **3** be Webb County, which is Laredo. It's already -- it's already a

04:44PM **4** minority district. The 23rd is the --

04:44PM **5 Q.** Would you agree, it's packed by over 80 percent?

04:44PM **6 A.** I would -- I would say that it's packed.

04:44PM **7 Q.** It's what we called a packed district, right?

04:44PM **8 A.** Yes. I --

04:44PM **9** MR. HUGHES: Your Honor, I object to the leading.

04:44PM **10** JUDGE COLLYER: It is leading. Please try not to lead

04:44PM **11** your witness.

04:44PM **12** MR. VERA: I apologize, Your Honor.

04:45PM **13** THE WITNESS: I would venture to say that the way I look

04:45PM **14** at the -- that district, and what we were able to accomplish in

04:45PM **15** Maverick County in the 23rd District, is one of the things that

04:45PM **16** the leaders learned was that we had the opportunity to determine

04:45PM **17** the outcome of who the representative would be at a Congressional

04:45PM **18** level.

04:45PM **19** BY MR. VERA:

04:45PM **20 Q.** Are you familiar with the -- at any election, as far as

04:45PM **21** you can go back in regards to Congressional District 23, by how

04:45PM **22** many votes does the new congressman or past congressman come out

04:45PM **23** ahead when they win, whether it be democrat or republican?

04:45PM **24 A.** Recent history, anywhere from 8- to 9,000 votes.

04:45PM **25 Q.** The maximum?